

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHELLY CALLIER, as)	
Co-Administrator of the Estate of)	
Kellie Wright, deceased,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-594-G
)	
POTTAWATOMIE COUNTY PUBLIC)	
SAFETY CENTER TRUST et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Shelly Callier, as Co-Administrator of the Estate of Kellie Wright, herein brings federal civil rights claims pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for preliminary review.

Plaintiff filed her Amended Complaint (Doc. No. 8) on October 18, 2023, identifying three named defendants, as well as defendants Does ##1-5. Defendants Turn Key Health Clinics, LLC and N. Hale, LPN, filed motions to dismiss, to which responses and replies have been submitted. *See* Doc. Nos. 18, 22, 25, 26, 27, 28.¹

On March 5, 2024, Judge Erwin issued a Report and Recommendation as to the motions to dismiss. *See* R. & R. (Doc. No. 31). In the Report and Recommendation, Judge Erwin advised the parties of their right to object within 14 days. Judge Erwin also advised

¹ Defendant Pottawatomie County Public Safety Center Trust has answered Plaintiff's pleading, *see* Doc. No. 15.

that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

As of this date, no party has submitted an objection to the Report and Recommendation or sought leave for additional time to do so.

CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 31) is ADOPTED in its entirety. The pending Motions to Dismiss (Doc. Nos. 18, 22) are DENIED.

This matter remains referred to Judge Erwin in accordance with the previous referral order.

IT IS SO ORDERED this 28th day of March, 2024.



CHARLES B. GOODWIN
United States District Judge